IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 4899 of 1997

For Approval and Signature:

HONOURABLE MR.JUSTICE M.R. SHAH

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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MA DANI - Petitioner(s)
Versus
GUJARAT WATER RESOURCES DEVELOPMENT CORPN LTD & 1 - Respondent(s)

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Appearance :

MR AK CLERK for Petitioner(s) : 1,
MR PARESH UPADHYAY for Respondent(s) : 1,
NOTICE SERVED for Respondent(s) : 2,

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CORAM : HONOURABLE MR.JUSTICE M.R. SHAH
Date : 14/12/2006

ORAL JUDGMENT

By way of the present Special Civil Application under Article 226 of the Constitution of India the petitioner who is employee of respondent No.1 Corporation, i.e., Gujarat Water

Resources Development Corporation Ltd., has prayed for an appropriate writ, order or direction to quash an set aside the order at Annexure 'A' by which the petitioner was sought to be sent on deputation to Sardar Sarovar Nigam Limited.

2. By way of interim order, the respondents were directed to maintain status-quo as regards posting of the petitioner and the same has been continued. It is reported that at present the petitioner is working at one of the Circle Offices of the respondent Corporation at Gandhinagar.

3. It is not in dispute that the respondent No.1 Corporation and the said Sardar Sarovar Nigam Limited are different employers and/or under different departments. In the facts of the case, the petitioner cannot be sent on deputation without his consent. In view of the above, the

impugned order at Annexure 'A' by which the petitioner was sent on deputation to the Sardar Sarovar Nigam Ltd., is quashed and set aside. Rule is made absolute. There shall be no order as to costs.

[M.R. Shah, J.]

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